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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,754	06/22/2001	Thierry Desfontaines	G-79	9833

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Roland Plottel
Rockefeller Center Sm
P O Box 293
New York, NY 10185-0293

EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,754

Applicant(s)

DESFONTAINES ET AL.

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The application of Desfontaines et al. for a “contactless electronic communication device with optional auxiliary power source” filed June 22, 2001 has been examined.

This application claims foreign priority based on the application 98/15 543 filed December 9, 1998 in France. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a) – (d), which papers have been placed of record in the file.

This application claims priority to a 371 of PCT/FR99/03032, which is filed on December 7, 1999.

A preliminary amendment to the claims 1-9 has been entered and made of record.

Claims 1-9 are pending.

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to under 37 CFR 1.83(a) because they fail to label boxes (18, 20, 26) in Figure 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The current abstract is missing. Submitted an abstract is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bickley et al. (US# 5,430,441).

Referring to claim 1, Bickley et al. disclose a transponding tag and method as recited in claim 1. See Figures 1, 3 and respective portions of the apparatus and method.

Bickley et al. disclose a contactless electronic electromagnetic communication device (column 2 lines 19 to 39; see Figures 1 and 6) comprising a module (14) (i.e. transponding tags) (column 3 lines 7 to 12; see Figures 1 and 3), said module (14) having

- means (22) (i.e. antenna) receiving electromagnetic signals (16) (i.e. an interrogation signal) (column 4 lines 32 to 68; see Figures 1 and 7),
- means (94) (i.e. a randomizer) for processing the received electromagnetic signals (16) (column 8 lines 37 to 52; see Figure 7), and
- means (34) (i.e. an electrical circuit) for rectifying and filtering the received electromagnetic signals (16) (column 5 lines 1 to 40; column 7 lines 55 to 68; see Figure 4)) and supplying at two output terminals (48) (i.e. contacts), a supply voltage (92) to the processing means (94) (column 5 lines 40 to 66; see Figures 3 and 7),
- means (not illustrated) (i.e. a battery pack) for supporting an electrical power source (i.e. a battery) (column 5 lines 41 to 52; see Figures 3-4), and
- means (50) (i.e. indentions) for connecting said electrical power source (i.e. a battery) to said output terminals (48) of the rectifying and filtering means (34) (column 5 lines 53 to 68; see Figures 3-4 and 7).

Referring to claim 2, Bickley et al. disclose the device according to claim 1, wherein the connection means (i.e. attaching means) comprises a switch (50) (i.e. indentions) for establishing

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and cutting off the connection between the power source (i.e. a battery pack) and the terminals (48) of the rectifying and filtering means (34) (column 5 lines 41 to 53).

Referring to claim 3, Bickley et al. disclose the device according to claim 1, wherein the connection means (i.e. attaching means) comprises:

- in the module (14) (i.e. a tag), conductors (i.e. conductive feedthroughs) for connecting the output terminals (76 and 82) of the rectifying and filtering means (34) to first contact terminals (48) (column 7 lines 31 to 68; see Figures 1, 3 and 7),
- in the support means (i.e. a battery pack), conductors for connecting the electrical power source (i.e. a battery) to second contact terminals (not shown) (i.e. battery outputs) (column 5 lines 41 to 53), and
- means (i.e. attaching means) for connecting and holding together the said first (48) and second contact terminals (i.e. battery outputs) (column 5 lines 41 to 53; see Figure 4).

Referring to claim 9, Bickley et al. disclose the device according to claim 1, wherein the electrical power source (i.e. a battery) is a removable battery (column 5 lines 41 to 68).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bickley et al. (US# 5,430,441) as applied to claim 3 above, and in view of Sakamaki et al. (US# 6,128,604).

Referring to claim 4, Bickley et al. disclose a device according to claim 3, however, Bickley et al. did not explicitly disclose wherein said module is mounted in a bank card, and

- the means for supporting the electrical power source comprises a card holder, and
- the means for connecting and holding said first and second contact terminals comprises means for guidance and abutment for the card in the card holder so as to make the said first and second contact terminals coincide.

In the same field of endeavor of data carrier, Sakamaki et al. teach that wherein said module (i.e. IC card) is mounted in a bank card (column 2 lines 40 to 54; see Figure 2), and the means (1) (i.e. a card holder) for supporting the electrical power source (34) (i.e. a battery) comprises a card holder (column 3 lines 12 to 18; column 3 lines 44 to 63; see Figures 1 and 3), and

the means for connecting and holding said first (9-16) and second (25-26) contact terminals comprises means (20) (i.e. holding pockets) for guidance and abutment for the card (2) in the card holder (1) so as to make the said first and second contact terminals coincide (column 4 lines 47 to 65; column 5 lines 23 to 39; see Figures 3-4) in order to supply the power to the IC card for checking whether the IC card is acceptable or not.

One of ordinary skilled in the art recognizes the need to have a card holder with a battery to supply power to the IC card when IC card is inserted into the card holding pocket of Sakamaki et al. in an active transponding tag device with an optional battery pack of Bickley et al. because Bickley et al. suggest it is desired to provide that a battery pack supply power to the transponding tag when a battery pack is attaching to substrate through a connecting nodes via a conductive feedthroughs (column 5 lines 41 to 53; see Figures 3-4) and Bickley et al. teach that a card holder including a battery, contact terminals and a holding pocket to supply electric power to the card holder when an IC card is inserted into the card holding pocket to check whether the IC card is acceptable or not (column 4 lines 47 to 59) in order to notify the card bearer that IC card is inserted correctly and record data information. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a card holder with a battery to supply power to the IC card when IC card is inserted into the card holding pocket of Sakamaki et al. in an active transponding tag device with an optional battery pack of Bickley et al. with the motivation for doing so would have been to provide a flexible transponder and to create various conveniences for card bearer to use.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bickley et al. (US# 5,430,441) as applied to claim 3 above, and in view of Wallerstorfer et al. (US# 5,473,145).

Referring to claims 5-6, Bickley et al. disclose a device according to claim 3, however, Bickley et al. did not explicitly disclose wherein said module is disposed in a case, and

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the means for supporting the electrical power source comprises a watch having an electrical power source.

In the same field of endeavor of data carrier, Wallerstorfer et al. teach that module (25 and 26) (i.e. a digital and analogue element of a data carrier) is disposed in a case (3) (i.e. a disk), and the means (33) (i.e. a watch) for supporting the electrical power source (6) (i.e. a battery) comprises a watch having an electrical power source (column 3 line 29 to 52; column 4 lines 60 to 66; see Figures 2 and 11) in order to provide the data carrier the required amount of energy to occasional data transmission.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to have a data carrier disposed in a watch having a battery of Wallerstorfer et al. in transponders attach to an objects to be identified of Bickley et al. in view of Sakamaki et al. because having a data carrier disposed in a watch would improve the reliable and convenience to use that has been shown to be desirable in transponding tags of Bickley et al. in view of Sakamaki et al.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bickley et al. (US# 5,430,441) as applied to claim 3 above, and in view of Thompson (US# 5,565,401).

Referring to claims 7-8, Bickley et al. disclose a device according to claim 3, however, Bickley et al. did not explicitly disclose wherein said module is disposed in a case, and the means for supporting the electrical power source comprises a watch having an electrical power source.

In the same field of endeavor of data carrier, Thompson teaches that module (100) (i.e. an application module) is disposed in a case (column 14 lines 45 to 62; column 15 lines 14 to 32; see Figures 2 and 10), and the means (50) (i.e. a communication device) for supporting the electrical power source (66) (i.e. power supply) (column 8 lines 15 to 37; column 9 lines 31 to 48; see Figures 5 and 7) comprises a mobile telephone apparatus (50) having studs (i.e. connector) connected to a rechargeable electrical battery (66) (column 8 lines 1 to 14; column 9 lines 13 to 30; see Figure 5) in order to allow addition of various communication and information options to communication device.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to have an application module disposed in a communication device having a power supply of Thompson in transponders attach to an objects to be identified of Bickley et al. in view of Sakamaki et al. because having an application module disposed in a communication device would improve the functionality of communication capabilities of a communication device that has been shown to be desirable in transponding tags of Bickley et al. in view of Sakamaki et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams et al. (US# 4,835,373) disclose an appliance for transmission and storage of energy and information in a card-shaped data carrier.

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Cook (US# 5,642,095) discloses an alarm for a card shaped object.

Tuttle (US# 5,787,174) discloses a remote identification of integrated circuit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
March 23, 2004



MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

